

HB0117_RichardKaplowitz_FWA

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**TESTIMONY ON HB#/0117- POSITION: FAVORABLE
WITH AMENDMENTS**

Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act)

TO: Chair Wilkins, Vice Chair Feldmark, and members of the Ways and Means Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support with amendments of HB#/0117, **Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act)**

On May 22, 2022 WJZ TV reported on a settlement of a lawsuit over a special needs student, Bowen Levy. ¹

BALTIMORE (WJZ) -- Anne Arundel County Public Schools has agreed to a \$2.5 million settlement with the family of Bowen Levy, a 17-year-old student at Central Special School who died in 2019 after choking on a rubber glove, the school system said Thursday.

This bill attempts to make changes in school systems protocols in choking situations. It will require each county board of education to establish a policy to obtain at least one airway clearing device per school and to authorize school nurses and other school personnel to use an airway clearing device in certain emergency situations; and requiring the State Department of Education to develop and disseminate a form for public schools to report each incident requiring the use of an airway clearing device.

However, The U.S. Food and Drug Administration does not recommend these devices. ²

These rescue protocols include a combination of back blows and/or abdominal thrusts (also called the “Heimlich” maneuver) for adults and children. The protocols do not include using anti-choking devices. **Anti-choking devices currently sold over-the-counter (OTC) do not have FDA marketing authorization, meaning the FDA has not evaluated the safety and effectiveness of those devices.**

I therefore suggest an amendment that requires school nurses and other school personnel be trained in use of the recommended methods and only use an airway clearing device if those methods are ineffective or not appropriate to a specific choking situation. I further recommend that any airway device obtained be replaced if and when the FDA has recommended a specific device for the purpose.

I respectfully urge this committee to return a Favorable With Amendments report on HB#/0117.

¹ <https://www.cbsnews.com/baltimore/news/anne-arundel-county-public-schools-settlement-bowen-levy/>

² <https://www.fda.gov/medical-devices/safety-communications/update-fda-encourages-public-follow-established-choking-rescue-protocols-fda-safety-communication#:~:text=Choking%20rescue%20protocols%20should%20only,to%20cough%2C%20because%20interventions%20such>

